AMENDED--NOT PRINTED IN THE HOUSE

Amt. 1 (3056C001.NBD.DG21.docx)

May 12, 2021

**H. 3056**

Introduced by Reps. Hixon, Forrest and W. Newton

S. Printed 5/6/21--S.

Read the first time February 3, 2021.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTIONS 50‑19‑210 THROUGH 50‑19‑240 ALL RELATING TO THE PRESTWOOD LAKE WILDLIFE REFUGE BOARD; BY REPEALING SECTIONS 50‑19‑1710 THROUGH 50‑19‑1730 ALL RELATING TO THE CATAWBA‑WATEREE FISH AND GAME COMMISSION; BY REPEALING ARTICLE 1 OF CHAPTER 19, TITLE 50 RELATING TO THE CHEROKEE FISH AND GAME CLUB; BY REPEALING ARTICLE 3 OF CHAPTER 19, TITLE 50 RELATING TO THE DARLINGTON COUNTY ADVISORY FISH AND GAME COMMISSION; BY REPEALING ARTICLE 17 OF CHAPTER 19, TITLE 50 RELATING TO THE DUTIES OF THE LEE COUNTY LEGISLATIVE DELEGATION TO PROTECT FISH AND GAME IN LEE COUNTY; BY REPEALING ARTICLE 19 OF CHAPTER 19, TITLE 50 RELATING TO THE MARION COUNTY FISH AND GAME COMMISSION AND THE ESTABLISHMENT OF THE SHELLY LAKE FISH SANCTUARY IN MARION COUNTY; BY REPEALING ARTICLE 21 OF CHAPTER 19, TITLE 50 RELATING TO FISH AND WILDLIFE PROJECTS IN MARLBORO COUNTY; BY REPEALING ARTICLE 23 OF CHAPTER 13, TITLE 51 RELATING TO THE ENOREE RIVER GREENWAY COMMISSION; BY REDESIGNATING ARTICLE 5 OF CHAPTER 19, TITLE 50 AS “SLADE LAKE FISHING”; AND BY REDESIGNATING ARTICLE 29 OF CHAPTER 19, TITLE 50 AS “FISHING AND HUNTING IN LAKE WATEREE”.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 47 of the 1976 Code is amended by adding:

“CHAPTER 8

Non‑native Venomous Reptiles

Section 47‑8‑10. (A) For purposes of this chapter, ‘non‑native venomous reptiles’ means all members of the class Reptilia including their taxonomic successors, subspecies, or any hybrid thereof, regardless of surgical alteration, determined to have the potential to cause serious human injury due to the toxic effects of its venom or poison, and includes all venomous reptiles of the class Reptilia belonging to the families Elapidae, Crotalidae, Viperidae, and Hydrophiidae; all reptiles in the genus Heloderma; and all reptiles in the family Colubridae belonging to the genera: Rhabdophis, Boiga, Dispholidus, Thelatornis, and Atractapsis.

(B) Except as otherwise provided in this chapter, it is unlawful for a person to import into, possess, keep, purchase, have custody or control of, reproduce, or sell within this State, by any means, a non‑native venomous reptile, including transactions conducted via the Internet.

(C) A possessor of a non‑native venomous reptile must be at least eighteen years of age.

(D) A person in legal possession of a non‑native venomous reptile before the effective date of this act, and who is the legal possessor of the animal, may keep possession of the animal for the remainder of the animal’s life, subject to the following conditions:

(1) before September 1, 2021, the possessor of a non‑native venomous reptile shall register with the Department of Natural Resources. The registration must include the person’s name, address, telephone number, a complete inventory of each non‑native venomous reptile that the person possesses, the address for the site at which each animal is located, and a fee of one hundred dollars to cover the costs of enforcement of this chapter. The permits are valid for three years and must be renewed with the department. A possessor shall have a continuing obligation to promptly notify the department of material changes to the information required for registration. No new permits will be issued after September 1, 2021, except for research purposes to licensed medical facilities or institutions of higher learning;

(2) the possessor shall prepare and submit to the department at the time of payment of the fee required by item (1) a contingency plan to protect first responders by providing for the quick and safe recapture of the non‑native venomous reptile in the event of an escape;

(3) the possessor shall maintain acquisition papers for the animal, or other documents or records that establish that the person possessed the animal before the effective date of this act;

(4) the possessor shall present paperwork described in item (3) to any law enforcement authority upon request;

(5) the venomous reptile must be housed in a sturdy and secure enclosure. Enclosures must be designed to be escape‑proof, bite‑proof, and have an operable lock. Each enclosure must be clearly and visibly labeled ‘Venomous Reptile Inside’ with scientific name, common name, appropriate antivenin, and owner’s identifying information noted on the container. A written bite protocol that includes emergency contact information, local animal control office, the name and location of suitable antivenin, first aid procedures, and treatment guidelines, as well as an escape recovery plan, must be within sight of permanent housing, and a copy must accompany the transport of any venomous reptile;

(6) venomous reptiles may only be possessed in houses, buildings, facilities, owned by the possessor or with written permission from the owner or landlord;

(7) venomous reptiles and enclosures must be kept in secure, lockable, escape proof rooms. Rooms must be posted with a sign stating venomous reptiles inside;

(8) in the event of an escape of a venomous reptile, the owner or possessor of the venomous reptile shall immediately notify local law enforcement and the department;

(9) the possessor shall notify the department and local law enforcement immediately upon discovery that the non‑native venomous reptile has escaped. The possessor of the animal is liable for any and all costs associated with the escape, capture, and disposition of a registered animal; and

(10) the possessor shall comply with any and all applicable federal, state, or local laws, rules, regulations, ordinances, permits, or other permissions regarding ownership of non‑native venomous reptile. Failure to comply with any law, rule, regulation, ordinance, permit, or other permission constitutes a violation of this chapter.

(E) No person convicted of a state or federal fish or wildlife crime is eligible for a permit pursuant to the provisions of this chapter.

(F)(1) A law enforcement officer may confiscate a non‑native venomous reptile when:

(a) the animal control authority or other person designated under this chapter has probable cause to believe that the non‑native venomous reptile was acquired or is being held in contravention of this chapter; or

(b) the non‑native venomous reptile poses an immediate, imminent danger to the health and safety of the public.

(2) A non‑native venomous reptile that is confiscated under this section may be returned to the possessor if the animal control authority or law enforcement officer establishes that the possessor had legal possession of the animal pursuant to this chapter, and the return does not pose a public safety or health risk. However, the Department of Natural Resources, animal control authority, or other person designated under this chapter to confiscate a non‑native venomous reptile may immediately, or at any time thereafter, euthanize the non‑native venomous reptile in their discretion as such non‑native venomous reptile may be considered as contraband per se to possess.

(G) Notwithstanding the provisions of this chapter, the department may issue a permit to any business for public exhibition purposes. The exhibition must be a non‑traveling, fixed facility that is open to the public for a time no less than thirty hours per week for at least six months each year. The department is authorized to issue such permits in accordance with this chapter requiring adequate facilities for humane handling, care, and confinement of non‑venomous reptiles and ensuring public safety. An Association of Zoos and Aquariums accredited facility is exempt from all permitting requirements of this chapter.

(H) A city or county may adopt an ordinance governing non‑native venomous reptile that is more restrictive than this chapter. However, nothing in this chapter requires a city or county to adopt an ordinance to be in compliance with this chapter. The provisions of this section control over Section 50‑16‑60.

(I) The animal control authority and its staff and agents, local law enforcement agents, state law enforcement agents, and county sheriffs and state law enforcement are authorized and empowered to enforce the provisions of this chapter.

(J) The possessor or owner of a non‑native venomous reptile, at all reasonable times, shall allow the department or other persons designated by this chapter to enter the premises and inspect the enclosure where the animal is being kept to ensure compliance with this chapter.

(K)(1) A person who possesses less than ten non-native venomous reptiles in violation of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars, be imprisoned not more than 30 days, or both.

(2) A person who possesses ten or more non-native venomous reptiles in violation of this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars, be imprisoned not more than five years, or both.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑